

PETITION FOR JUDGEMENT

October 18, 2016

Complaint:

FILED

2016 OCT 19 PM 12:50

A16CV1157 SS  
CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

PLAINTIFF:

CASE # \_\_\_\_\_ BY g  
DEPUTY

Gayle Michaels

6000 Shepherd Mountain Cove # 1511

Austin, TX 78730

DEFENDANT: MindGeek

ALTERNATIVE ADDRESSES FOR THE DEFENDANT:

MindGeek Montreal

7777 Boulevard Decarie, Suite 600

Montreal, Quebec H4P 2H2

MindGeek LA

2300 West Empire Avenue, 7th Floor

Burbank, California 91504

MindGeek Hamburg

Not Kestra Be 9-11, D-22607

Hamburg, Germany

MindGeek Miami

705 Washington Avenue, 2nd For

Miami Beach, Florida 33139

MindGeek Dublin

Fitzwilliam Business Center

77 Sir John Rogerson Quay

Dublin, Ireland

*MindGeek Headquarters*

32 Boulevard Royal, L-2449

Luxembourg City, Luxembourg

JURISDICTION PLEA:

PETITION FOR JUDGEMENT

October 18, 2016

Pursuant to: 28 U.S. Code Chapter 85 - DISTRICT COURTS; JURISDICTION:

(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between

(1) citizens of different States;

(2) citizens of a State and citizens or subjects of a foreign state, except that the district courts shall not have original jurisdiction under this subsection of an action between citizens of a State and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are domiciled in the same State;

(3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; and

(4) a foreign state, defined in section 1603(a) of this title, as plaintiff and citizens of a State or of different States.

TO THE HONORABLE FEDERAL DISTRICT COURT JUDGE:

1) I come to pray before this court humbly asking for a just ruling with regard to the harm that is being perpetrated by the unethical business practices of MindGeek, which is an aggregator of numerous websites including the Pornhub, YouPorn, Tube8, Porn MD, Thumbzilla, Redtube, XTube, and GayPorn.

PETITION FOR JUDGEMENT

October 18, 2016

2) MindGeek is in the business of pirating adult videos from other websites, embedding the sounds of children playing, talking, crying, and then offering the stolen content free to the public.

This is a violation of the Copyright Law of the United States of America, Chapter 5, 501

3) When fans see the Mindgeek website's advertisements for free porn, and recognize the porn stars they have come to know and love, they are lured in by the promise of watching their videos for free. After clicking on a link to watch, however, people are shocked and disturbed to hear the soundtracks of children playing in the back ground. In fear of getting in trouble for visiting a child porn website, they immediately try to leave just as quickly as possible. But their computers have been infected by malware and disabled. A pop-under window then appears with a telephone number for them to call, so they can have the malware removed for a hefty fee.

The number I called when that happened to me is enclosed. A man named "Paddy" answered. I got the subtle impression that he worked for Microsoft, but that was not true. When I found out he was charging \$100 to fix my computer, and I would have to give him my credit card number, I decided to get a second opinion. He became very agitated and his tone turned threatening.

4) I have a degree in Anthropology from the University of Texas at Austin. I am also a Certified Sexologist. I have worked as an adult sex education consultant in Austin, Texas since 1994. Teaching people how to have more satisfying and fulfilling relationships is my career. As a sex-positive advocate of self-loving, I once believed it was possible for adult videos to play a positive role in the adult sex education business, but not any more.

PETITION FOR JUDGEMENT

October 18, 2016

My favorite author is the Anthropologist, Sallie Tisdale, who has studied the history of pornography all over the world and concluded there needs to be more of it, not less. Her conclusion is based on the fact that so many people, especially young men, tend to rely on adult videos to educate themselves about sex. With the intention of reaching out to men who would prefer to watch videos than take risks with their health in a day and age of incurable deadly STD's, my aim was to make adult videos, develop a fan base, then offer my fans a private line of educational materials that would help them improve their intimacy skills in real life.

I chose to work with the adult film producer Mr. Tobias Garrett who, despite my advancing age and wrinkles, required me to show two ID's proving that I am well over 18. Mr. Garrett also took the time to explain the law to me, which reassured me and convinced me that he is sincere about obeying the law. I was expecting my business to be enhanced by making adult videos. But it dropped off dramatically instead. Before making any videos, I was accustomed to working with people of integrity who respected me. After I made the videos, I was shocked by how many disturbing telephone calls I began to receive from people who seemed deeply disturbed.

At first I presumed the economy was responsible for the down turn in my business. But I also found myself frequently telling people, "The world is getting more and more dangerous every day, have you noticed that?!" My business was so bad that I began to ask my colleagues if they were having financial problems, and whether they had been getting a lot of phone calls from troubled people. None of them were experiencing any of the trouble that I was having. One of

PETITION FOR JUDGEMENT

October 18, 2016

my friends subtly suggested that I might want to distance myself from the child pornographers. I was shocked, because I had no idea what she was talking about.

I quickly discovered, much to my horror and disgust, that a website called "Porn Hub" was featuring my best video, and playing the sound track of a baby crying in the background.

Suddenly I understood why so many of my loyal customers had disappeared, and the people who were calling to inquire about my services sounded very troubled and could not pass my screening questions. They were calling because they thought I was promoting child pornography.

Before making adult videos I had the privilege of meeting several very articulate and politically active porn stars, whom I respected and admired. None of them mentioned anything about the Porn Hub situation that I encountered.

I was also invited to speak at three sexuality conferences. My talks were well-received. I was told that I was a tough act to follow. People took notes when I spoke. I have not been invited to speak at another conference since the Porn Hub began pirating my videos. And, for the first time in my life, I had to borrow money to make ends meet.

Once I realized why all of this was happening, I asked Mr. Garrett, my producer, how my best video had come to be featured on a website that promotes child pornography, since he requires all his actors to sign papers and show two IDs proving they are over 18. Mr. Garrett explained that MindGeek is run by a band of hackers and thieves who steal videos from other websites and

PETITION FOR JUDGEMENT

October 18, 2016

do whatever they want with them. He advised me to contact the Porn Hub and tell them I was going to sue for copyright infringement if they didn't stop using my video. So that is what I did.

A couple of hours later I received a disturbing phone call from a man named Pat, who sounded dangerous to me. After I explained my screening process and asked him for references, he became agitated and wanted to know if I had heard about the UT coed who got killed. Then he proceeded to call me repeatedly until I finally stopped answering the phone. That night I was in bed asleep and an explosion shook my entire building and woke me up. In a clearing about one hundred feet from my balcony, a car was burning and exploding. The entire automobile was completely engulfed in flames. It was a huge fire. Pretty soon there were sirens, police, and firetrucks everywhere.

News about the car fire was vague and minimal. A woman was in the car. The police were investigating her death. I told myself it was just coincidence. But I kept wondering if they meant to kill me, or if I might have been considered an asset by the Porn Hub, since my videos are quite popular, and they were trying to frighten me into submission. A week went by and the Porn Hub was still ignoring my requests to stop playing my video. I was afraid to contact them again because of the car fire.

Feeling very troubled by all of this, I went to the Austin Crime Stoppers website to look for some information about the car fire. I clicked on the fugitive link and discovered the police were looking for a man named Patrick. I sent them a letter and gave them the telephone number of the

PETITION FOR JUDGEMENT

October 18, 2016

scary sounding man named Pat, who called and asked me if I had heard about the UT coed that got killed. I told them about the Porn Hub pirating my video and playing it with the sound of a baby crying in the background. I told them about the car fire occurring 100 feet from my balcony just a few hours after I told them I was going to sue for copyright infringement if they didn't take my video down. Security patrolled and watched my condo for the next few days. I felt very supported and protected by the police.

A couple of days after sending my letter to the police, I received an e-mail from the Porn Hub saying they take requests like mine very seriously, and they would like to help. But they didn't know which video I was objecting to, and needed the URL in order to remove it. There was no reason why they could not find the video the same way everybody else was finding it, by typing the name "Bossy Rider" into Google. My computer had already been attacked by their malware once. I did not wish to go through that again. But they refused to remove my video unless I gave them the URL.

While I was pondering how to proceed, a professional body guard called to inquire about my services. He was very polite and respectful. I told him about my trouble with the Porn Hub and the car bomb fire. He said he knows the people at the Porn Hub and they are very nice folks. He also knew the Porn Hub's business statistics. He said they take down 3% of all the videos they put up because people request it, and assured me they don't mind taking down people's videos at all. He said the car fire was just a coincidence and not to worry it. So I contacted the Porn Hub about removing my video again and gave them the URL they requested.

PETITION FOR JUDGEMENT

October 18, 2016

A couple of hours later I received another life-threatening telephone call. This time I heard a “shook shook” noise that sounded to me like someone was cocking a pump shot gun. Then a very deep ominous voice said, “I love you!” The call was coming from a private number. I contacted the police and reported it anyway. I also told them about the body guard who made an appointment with me, and gave them his telephone number. And I told them to please let me know if there was anything I could do to help stop the Porn Hub from what they are doing.

A few days later my video was no longer coming up at Porn Hub when I searched for Bossy Rider. But they could have just as easily changed the name of it, so I couldn’t find it. I waited few weeks and did another Google search to see if it was still gone. Much to my chagrin, they had pirated several more of my videos, and they were playing all of them with the soundtracks of children dubbed into the background. Malicious technological adjustments had also been made to one of them, that made me look really old and sick. I felt humiliated and demoralized by that. I believe this constitutes malicious intent according to 441 U.S. 153, 165, which states: "The existence of actual malice may be shown in many ways. As a general rule, any competent evidence, either direct or circumstantial, can be resorted to, and all the relevant circumstances surrounding the transaction may be shown, provided they are not too remote, including threats, prior or subsequent defamations, subsequent statements of the defendant, circumstances indicating the existence of rivalry, ill will, or hostility between the parties, facts tending to show a reckless disregard of the plaintiff's rights..."



PETITION FOR JUDGEMENT

October 18, 2016

To further my claim of malicious intent I have attached an article called “Vampire Porn” by David Auerbach, which addresses many of the business and safety issues that I am concerned about in this lawsuit. There is also another article on the internet about Mindgeek entitled “How Mindgeek Transformed the Economics of Porn” by Felix Salmon. It offers a much more subtle explanation of what is going on, without addressing fact that porn stars lives are being put at risk.

5) A promise of all the money in the world could not have persuaded me to make one single adult video if I had known it might become associated with child pornography in any way. My reputation has been destroyed. People I have known for many years now think I am involved in child pornography and want nothing else to do with me. My life has been threatened. I am afraid to start my car and go anywhere. I am embroiled with emotional turmoil, humiliation, embarrassment, and financial distress because of all this.

Giving people the impression that I am a promoter of child pornography constitutes libel according to 28 U.S. Code § 4101 - Definition of (1)Defamation.—

The term “defamation” means any action or other proceeding for defamation, libel, slander, or similar claim alleging that forms of speech are false, have caused damage to reputation or emotional distress, have presented any person in a false light, or have resulted in criticism, dishonor, or condemnation of any person.

PETITION FOR JUDGEMENT

October 18, 2016

I believe that vandalizing my fans computers and then charging them to fix it is extortion, which is punishable by one year in prison according to 18 U.S. Code § 880 - Receiving the proceeds of extortion.

6) There is no way to know if I received those two life-threatening telephone calls because MindGeek was trying to frighten me into submission, or if they were merely coincidental. Vigilantes could have simply heard the soundtracks of children playing in the background of my videos and decided that I need to be killed. Either way, my life was put at risk.

7) I sent an e-mail to Ms. Maud de Boer-Buquicchio, who is the Special Rapporteur on child pornography at the United Nations Human Rights Commission and told her about all of this. After doing so, the soundtracks of children seemed to have been removed from my videos by the Porn Hub. But they were still committing copyright infringement and playing my videos the last time I checked. And, intermittency is a strategy that Mindgeek uses to feign innocence. So is passing the blame. What they are doing is like a technological cancer that goes in and out of remission and jumps from one side of the world wide web to the other.


Conclusion: If this court concludes that MindGeek is in the business of murdering people, I hope and pray it will be required to make restitution in the amount of one hundred million dollars, so I can establish a non-profit organization dedicated to helping victims of the adult entertainment business. And I would like to have one million dollars in personal damages.

PETITION FOR JUDGEMENT

October 18, 2016

If the court concludes the car fire, death, and ominous telephone calls were merely a coincidence and Mindgeek is simply shortsightedly endangering the lives of the people they are robbing and exploiting, I pray they will be ordered to pay ten million dollars in damages so I can establish a non-profit organization to help victims whose lives have been damaged. And I would also liked to be awarded one million dollars in personal damages.

My consistent unwavering plea is for no less than one million dollars in restitution for my own personal damages.

  
Gayle L. Michaels

6000 Shepherd Mountain Cove, #1511

Austin, Texas 78730

512-426-1634

October 19, 2016